



COMMISSION ON  
**PEACE OFFICER STANDARDS AND TRAINING**

**POST COMMISSION MEETING**

Commission on POST  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605

Thursday, October 18, 2018

**ACTION SUMMARY**

**EDMUND G. BROWN JR.**  
GOVERNOR

**XAVIER BECERRA**  
ATTORNEY GENERAL

**CALL TO ORDER**

Commission Chair Joyce Dudley called the meeting to order.

**COLOR GUARD AND FLAG SALUTE**

The Color Guard was provided by the California Highway Patrol. The Pledge of Allegiance was led by Commissioner Dudley.

**MOMENT OF SILENCE HONORING THE OFFICERS KILLED IN THE LINE OF DUTY**

A moment of silence was held in honor of those peace officers who have been killed in the line of duty since the last regular Commission meeting.

- Officer Kirk Griess, California Highway Patrol
- Deputy Mark Stasyuk, Sacramento County Sheriff's Department

**ROLL CALL OF COMMISSION MEMBERS**

**PRESENT**

Rick Braziel  
Lai Lai Bui-Little  
Thomas Chaplin  
Barry Donelan  
Robert Doyle  
Joyce Dudley

**PRESENT**

Geoff Long  
Kevin Gardner  
Jethroe Moore II  
James O'Rourke  
Batine Ramirez  
Walter Vasquez

**ABSENT**

Richard De La Rosa  
John McMahon  
Laurie Smith

A calling of the roll reflected a quorum was present.

**INTRODUCTION OF POST ADVISORY COMMITTEE CHAIR, POST LEGAL COUNSEL AND EXECUTIVE DIRECTOR**

Commissioner Dudley introduced POST Advisory Committee Chair Sandra Spagnoli, POST Legal Counsel William "Toby" Darden, and Executive Director Manny Alvarez.

## **WELCOMING ADDRESS**

Jennifer Tejada, Chief of Police, Emeryville Police Department, provided welcoming remarks and emerging trends on Mindful Policing. Chief Tejada introduced Chief Robert Jonsen and Lieutenant Richard Goerling who both presented information and discussed the importance of Mindful Policing.

## **PUBLIC COMMENT PERIOD**

Commissioner Dudley opened the floor for public comment.

## **EXECUTIVE DIRECTOR COMMENTS**

Commissioner Dudley introduced Executive Director Manny Alvarez who addressed the Commission.

Break: 10:43

Reconvened: 10:51

## **APPROVAL OF ACTION SUMMARIES AND MINUTES**

### **A. Approval of the action summaries and minutes of the following meetings:**

- Action Summary – June 21, 2018
- Meeting Minutes – June 21, 2018

**MOTION** – Doyle, Second – Braziel, and carried unanimously to approve the action summary and meeting minutes of the June 21, 2018, Commission meeting.

## **EMERGING TRENDS**

### **B. Report on Emerging Trends in Basic Training at Academies**

(Emerging Trends was part of the Welcoming Address).

## **CONSENT**

### **C. Approval of the Consent Agenda**

Commissioner Dudley announced there would be a presentation on Consent Items 7, 8 and 10. In addition there would be a presentation on a non-voting Consent Item – Report on Current requirements for the Basic Courses Manipulative Skills Testing, Remedial Training and Retesting – during the Basic Training Bureau section of the agenda. She then asked if the Commission would like presentations on any of the other Consent Items.

#### **1. Report on the Course Certification Statistics from 5/1/18 – 8/31/18**

No presentation was requested or heard on this item.

2. **Report on POST Non-Reimbursable Program – Obsolete Agency – Lake Hemet Municipal Water District**

No presentation was requested or heard on this item.

3. **Report on POST Non-Reimbursable Program – New Agency – San Diego County Bureau of Public Assistance Investigations**

No presentation was requested or heard on this item.

4. **Report on POST Non-Reimbursable Program – New Agency – Marin County Health and Human Services**

No presentation was requested or heard on this item.

5. **Report on POST Reimbursable Program – New Agency – Apple Valley Unified School District Police Department**

No presentation was requested or heard on this item.

6. **Report on POST Reimbursable Program – New Agency – Long Beach Disaster Preparedness & Emergency Communications**

No presentation was requested or heard on this item.

7. **Report on Request to Review Minimum Training for California Coroners**

Commissioner Dudley called upon Law Enforcement Consultant (LEC) RC Smith, Management Counseling and Projects Bureau, to provide a status update on Coroner training. This report was presented for information only. No action was required.

8. **Report on POST Training Reimbursements Automation**

Commissioner Dudley called upon Applications Developer Ron Davis, Computer Services Bureau, to provide a demonstration of the new electronic Training Reimbursement Request (eTTR) system. This report was presented for information only. No action was required.

9. **Report on POST Proposed Regulatory Actions/Status**

No presentation was requested or heard on this item.

10. **Report on Legislative Updates**

Commissioner Dudley called upon Legislative Affairs Supervisor, Dave Althausen, Strategic Communications Research Bureau (SCRB), to make a report reflecting new laws and legislation impacting POST. This report was presented for information only. No action was required.

At the conclusion, Commissioner Dudley called for a **MOTION** to approve the Consent Agenda.

**MOTION** – Gardner, Second – Chaplin, carried unanimously to approve the Consent Agenda.

## **FINANCE COMMITTEE MEETING**

### **D. Financial Report**

Commissioner Long provided a brief overview of the Finance Committee meeting held on October 18, 2018, in West Sacramento.

Commissioner Long shared a graph from the Finance Committee and called upon Manny Alvarez, Executive Director, to provide additional comments to the Commission.

Commissioners discussed the presentation.

Commissioner Dudley called for a **MOTION** to approve the Finance Committee report.

**MOTION** – Chaplin, Second – Bui, carried unanimously to approve the Finance Committee Report.

## **BASIC TRAINING BUREAU**

### **E. Report on Academy Instructor Certificate Program**

At the February 8, 2018, meeting, the Commission approved the removal of the pre-service AICP completion mandate to allow basic academy instructors to satisfy the AICP requirement within 12 months from the date of promotion, appointment, or transfer. POST staff clarified regulatory language in Attachment A to more clearly articulate the point when the 12-month period commences.

The Commission did not request a presentation on this item.

Commissioner Dudley called for a **MOTION** to approve the removal of the pre-service AICP completion mandate to allow a more clearly articulated point at which the 12-month period begins.

**MOTION** – Donelan, Second – Doyle, carried unanimously to approve the proposed changes to the Pre-Service AICP completion mandate.

If no one requests a public hearing, the changes will become effective upon approval by the Office of Administrative Law.

**F. Report on Current Requirements for the Basic Course Manipulative Skills Testing, Remedial Training, and Retesting**

This was a non-voting report on current requirements for the basic course's manipulative skills testing, remedial training, and retesting, presented as information only for the Commission. The report reviews possible alternatives and their potential effects and includes course presenter comments.

Commissioner Dudley called upon LEC Mike Barnes, Basic Training Bureau (BTB), to provide a report on remedial training in the Basic Academy.

The Commission discussed and decided to re-agendize the item for February 2019, as this would give ample time to gather statistics to present in February and implement decisions in May, 2019.

Commissioner Dudley stated that since this was a non-voting consent item there was no need for a motion.

Break: 12:02

Reconvene: 12:20

**G. Report on Proposed Changes to the Training and Testing Specifications for Peace Officer Basic Courses**

As part of an ongoing review of Peace Officer Basic Course content, POST staff and curriculum consultants (academy instructors and other subject matter experts) thoroughly reviewed Learning Domain (LD) content to determine if revisions were necessary. The Training and Testing Specifications and supporting materials for the LDs were updated to reflect emerging training needs, compliance with legislatively mandated subject matter, changes in the law, or to improve student learning and evaluation.

Commissioner Dudley called upon Staff Services Manager I, Cheryl Smith, Basic Training Bureau (BTB), to provide a brief presentation on the modifications to LDs 26, 41, and 43.

Commissioner Dudley called for a **MOTION** to approve the proposed changes to the Training and Testing Specifications for Peace Officer Basic Courses. If no one requests a public hearing, the changes will become effective upon approval by the Office of Administrative Law.

**MOTION** – Doyle, Second – Ramirez, carried unanimously to approve the proposed changes to the Training and Testing Specifications for Peace officer Basic courses.

**EXECUTIVE OFFICE**

**H. Report on Proposed Changes to Commission Regulation 1052 – Requirements for Course**

## **Certification**

Currently, Regulation 1052(g), does not outline a clear process for pilot program implementation. In order to better serve law enforcement, the community, and stay ahead of emerging and contemporary issues, POST proposed changes to the regulation to clarify the process for implementing a pilot program. The proposed changes will allow POST's Executive Director to provide initial internal authorization for a pilot program, followed by final review and approval from the Commission, involving various changes to certification, regulation, course content and/or hours, in order to determine if the proposed changes will be effective and beneficial to the field.

Commissioner Dudley called upon Assistant Executive Director, Maria Sandoval, and Associate Governmental Program Analyst, Jennifer Hardesty, BTB, to provide information on this item.

Commissioner Dudley called for a **MOTION** to approve the proposed changes to Commission Regulation 1052 – Requirements for Course Certification. If no one requests a public hearing, the changes will become effective upon approval by the Office of Administrative Law.

**MOTION** – Chaplin, Second – Moore, carried unanimously to approve the proposed changes to the Commission Regulation 1052 – Requirements for Course Certification

## **I. Report on Request for Guidance and Direction on Advisory Committee**

The POST Advisory Committee was created to serve as the Commission's delegate to provide input on many complex issues. The Advisory Committee represents a diverse array of major stakeholders, including the major associations and organizations within California's law enforcement community, elected officials, as well as educators and public members. The purpose of the Advisory Committee is to provide the Commission with input regarding critical topics that may affect law enforcement standards and training, and to provide insight with respect to the contemporary and emerging trends for the Commission to evaluate in making its decisions.

This item was presented to generate discussion in order to assess the efficacy of the Advisory Committee, whether the composition should be modified, or if the service delivery model should be adjusted to best meet the needs of the Commission and California law enforcement.

The Advisory Committee was created by the Commission, and its members serve three (3) year terms at the pleasure of the Commission. The Advisory Committee is not required by regulation or legislation.

After much discussion, Commissioner Dudley called for a **MOTION** to approve the creation of a Commission sub-committee subject to Bagley-Keene Open Meeting Act to discuss role, structure, purpose and plan to study the issue and make recommendations to the full Commission at the next Commission meeting in improvement of Advisory Committee at the meeting in February 2019..

**MOTION** – Dudley, Second – Moore, carried unanimously to authorize the creation of a sub-committee to discuss the role, structure, purpose and plan to study the issue and make recommendations to the Commission at the next meeting.

## **MANAGEMENT COUNSELING AND PROJECTS BUREAU**

### **J. Report on Document Management Studies**

Should the Commission approve the proposed fee structure (see attachment) for recovering costs associated with conducting Management Studies?

Commissioner Dudley called upon Assistant Executive Director, Maria Sandoval, to provide information on fees for Management Study.

Commissioner Dudley called for a **MOTION** to approve the proposed changes to the Document Management Studies. If no one requests a public hearing, the changes will become effective upon approval by the Office of Administrative Law.

**MOTION** – Chaplin, Second – Long, carried unanimously to approve the proposed changes to fees for Management Studies.

## **STRATEGIC COMMUNICATIONS AND RESEARCH BUREAU**

### **K. Report on Proposed Changes to the Law Enforcement code of Ethics**

The Law Enforcement Code of Ethics, which is administered to both academy recruits and newly appointed peace officers, affirms that officers will serve their communities while protecting the Constitutional rights of all, and will act in a manner consistent with law and departmental policies and do so ethically and without undue influence. Although the Code of Ethics has remained relatively consistent over the last five decades, there is a need to review the language to ensure it remains relevant and inclusive of all who serve as peace officers, and those who are served by California law enforcement.

Commissioner Dudley called upon Personnel Selection Specialist, Melani Singley, SCRB, to provide information on this item.

Commissioner Dudley called for a **MOTION** to approve the proposed changes to the Law Enforcement code of Ethics by removing verbiage “man, and “mankind,” from the text. If no one requests a public hearing, the changes will become effective upon approval by the Office of Administrative Law.

**MOTION** – Donelan, Second – Moore, carried unanimously to approve the proposed changes to the Law Enforcement Code of Ethics.

Commissioner Dudley called for a **MOTION** to approve the proposed changes to the Law Enforcement code of Ethics by removing term “God” from the text.” If no one requests a public hearing, the changes will become effective upon approval by the Office of Administrative Law.

**MOTION** – Doyle, Second – Long, carried by majority with one abstention to approve the proposed changes to the Code of Ethics.

## **TRAINING PROGRAM SERVICES BUREAU**

### **L. Report on Proposed Changes to Commission Regulation 1005 – Minimum Standards for Training**

Regulation 1005 requires all peace officers (except reserve officers and jail deputies) below the middle management position and assigned to patrol, traffic, or investigation who routinely effect the physical arrest of criminal suspects to complete Perishable Skills and Communications training.

This Regulation section was enacted to ensure that specific classifications of peace officers would be required to complete critical skills training designed around competencies that are critical to officer and public safety, as well as areas with high liability exposure. However, the limiting language regarding specific assignments, as well as the term "routinely" have led to difficulties in interpretation of the regulation. POST staff seeks to add clarity to the regulation by removing references to specific assignment, as well as the term "routinely."

Commissioner Dudley called upon LEC Charles Sandoval, Training Delivery and Compliance Bureau (TDCB), to provide a report on a change to perishable skills training.

Commissioner Dudley called for a **MOTION** to approve the proposed changes to the Regulation 1005 - Minimum Standards for Training. If no one requests a public hearing, the changes will become effective upon approval by the Office of Administrative Law.

**MOTION** – Chaplin, Second – Braziel, carried unanimously to approve the proposed changes to the Regulation 1005 - Minimum Standards for Training

### **M. Report on the Status to Implement Commission Direction Related to Training Presented by the California Association of Tactical Trainers, Formerly Known as International Training Resources**

Since 2011, when POST staff learned of an injury to a student during the presentation of a training course (CC 1025-33566), staff has been periodically reporting, as mandated by the Commission in 2012, on the status of course presentations by the California Association of Tactical Trainers (CATT, formerly known as International Training Resources). Due to compliance with Commission mandates by CATT, staff is requesting that the requirement of periodic reporting to the Commission be discontinued

Commissioner Dudley called upon Bureau Chief Ralph Brown, TDCB, to provide a report on the status of tactical trainers.

Commissioner Dudley called for a **MOTION** to approve the proposed changes to the Status to Implement Commission Direction Related to Training Presented by the California Association of Tactical Trainers, formerly known as International Training Resources.

**MOTION** – Bui, Second – Doyle, carried by **ROLL CALL VOTE** to change the status to Implement Commission Direction Related to Training Presented by the California Association of Tactical Trainers, formerly known as International Training Resources.

## **COMMITTEE REPORTS**

### **N. Advisory Committee**

Artin Baron, Stand-In Chair of the Advisory Committee, provided a report on the results of the Advisory Committee meeting held on Wednesday, October 17, 2018, in West Sacramento, CA.

Advisory Member Baron reiterated Chair Spagnoli's support of an Advisory sub-committee discussed at the Advisory and Commission meetings.

Commissioner Dudley asked for a **MOTION** to approve the Advisory Committee Report.

**MOTION** – Gardner, Second – Doyle, carried unanimously to approve the Advisory Committee's report.

## **CORRESPONDENCE**

### **O. Correspondence**

Commissioner Dudley reviewed the correspondence to and from POST.

## **OLD BUSINESS**

### **P. Old Business**

Commissioner Dudley called to hold Old Business items for discussion as they both pertained to Advisory Committee membership which may be dependent on findings of the sub-committee to be created as decided earlier in the meeting.

- Nomination of Reappointment of George Beity, California Community College, to the POST Advisory Committee.
- Nomination of Reappointment of Chief Mark Brunet, CHP, to the POST Advisory Committee.

Commissioner Dudley called for a **MOTION** to approve holding the Old Business agenda item until the POST sub-committee reports its discussions.

**MOTION** – Donelan, Second – Doyle, carried unanimously to hold the Old Business agenda item until the POSTsub-committee reports.

## **NEW BUSINESS**

### **Q. New Business**

- Future Commission Meeting Dates
- Request to appoint Professor Kathy Oborn, M.S., President, California Association of Administration of Justice Educators (CAAJE) to the Advisory Committee as replacement representative for Bradley J. Young. POSTPONED pending sub-committee discussion
- Request to appoint Sergeant Phillip (PJ) Webb, Los Angeles Unified School District Police Department, to the Advisory Committee by President Brian Marvel, Peace Officers Research Association of California (PORAC). POSTPONED pending sub-committee discussion

Commissioner Dudley called for a **MOTION** to approve the Executive Director’s presentation.

**MOTION** – Long, Second – Moore - carried unanimously to approve New Business presentation.

## **FUTURE COMMISSION DATES**

### **R. Future Commission Meetings will be held:**

- February 20 – 21, 2019, San Bernardino County Sheriff’s Department, San Bernardino
- May 29 – 30, 2019, POST, West Sacramento
- October 23 – 24, 2019, POST, West Sacramento

## **CLOSED SESSION**

### **S. Closed Executive Session - 1:57 p.m.**

1) Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 11126(e)(1), the Commission provided public notice that the following pending litigation matters were considered and acted upon, as necessary and appropriate, in closed session.

- a) Alice Cotti and Vladimir Serdyukov v. California Department of Social Services et al, United States District Court, Northern District, Case No. 5:18-CV-02980 BLF.
- b) Jeremy Maurer v. Commission on Peace Officer Standards and Training, Sacramento Superior Court, Case No 34-2018-80002807.

c) Knowledge and Intelligence Professional Programs v. POST, Los Angeles Superior Court, Case No. NC058217, NC053503 and related appeals, Second Appellate District, Case No's B266376 and B278820.

d) Tamara Evans v. POST, Sacramento Superior Court, Case No. 34-2014-00164423; Eastern District of California, Case No. 2:15-cv-01951.

2) Conference with Legal Counsel – Existing/Potential Litigation: Pursuant to Government Code Section 11126(e)(1) and (2), the Commission provided public notice that it may meet in closed session to consider the following matters, and/or to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see Government Code Section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see Government Code Section 11126(e)(2)(B)(i)], or, based on existing facts and circumstances, if it has decided to initiate or is deciding to initiate litigation [see Government Code Section 11126(e)(2)(C)], or, if in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is litigation, or significant exposure to litigation, against the state body [see Government Code Section 11126(e)(2)(B)(i)].

a) Outside investigation of alleged EEO concerns.

**Reconvened to General Session** – 2:02 p.m.

Commissioner Dudley reconvened the meeting to general session and asked for any comments from the Commissioners.

There were no additional comments.

Commissioner Dudley called for a **MOTION** to adjourn the meeting.

**MOTION** – Braziel, Second – Chaplain - carried unanimously to adjourn the meeting.

**ADJOURNMENT** – 2:03 p.m.

Respectfully submitted,

Elena Fernandez  
Analyst; Administrative Assistant to the Executive Director